
NOTICE 1422 OF 1998

SOUTH AFRICAN RESERVE BANK

THE BANKS ACT, 1990

CHANGE OF NAME: BANQUE FRANÇAISE DU COMMERCE EXTÉRIEUR

It is hereby notified, for general information, that Banque Française du Commerce Extérieur, and Institution which conducts business similar to that of a bank in France, with an established representative office in the Republic of South Africa, changed its name to Natexis Banque on 13 July 1998.

KENNISGEWING 1422 VAN 1998

SUID-AFRIKAANSE RESERWEBANK

DIE BANKWET, 1990

NAAMSVERANDERING: BANQUE FRANÇAISE DU COMMERCE EXTÉRIEUR

Hiermee word ter algemene inligting bekendgemaak dat Banque Française du Commerce Extérieur, 'n instelling wat sake soortgelyk aan dié van 'n bank in Frankryk bedryf, met 'n gevestigde verteenwoordigende kantoor in die Republiek van Suid-Afrika, sy naam op 13 Julie 1998 na Natexis Banque verander het.

(24 July 1998)/(24 Julie 1998)

NOTICE 1429 OF 1998

DEPARTMENT OF LABOUR

LABOUR RELATIONS ACT, 1995

REGISTRATION OF AN EMPLOYERS' ORGANISATION

I, Hendrik Christiaan Slabbert, Registrar of Labour Relations, hereby notify, in terms of section 109 (2) of the Labour Relations Act, 1995, that the **South African Wool and Mohair Processors' Employers' Organisation (SAWAMPEO)** has been registered as an employers' organisation with effect from 7 July 1998.

H. C. SLABBERT

Registrar of Labour Relations

KENNISGEWING 1429 VAN 1998

DEPARTEMENT VAN ARBEID

WET OP ARBEIDSVERHOUDINGE, 1995

REGISTRASIE VAN 'N WERKGEWERSORGANISASIE

Ek, Hendrik Christiaan Slabbert, Registrateur van Arbeidsverhoudinge, maak hierby ingevolge artikel 109 (2) van die Wet op Arbeidsverhoudinge, 1995, bekend dat die **South African Wool and Mohair Processors' Employers' Organisation (SAWAMPEO)** met ingang van 7 Julie 1998 as 'n werkgewersorganisasie geregistreer is.

H. C. SLABBERT

Registrateur van Arbeidsverhoudinge

(24 July 1998)/(24 Julie 1998)

NOTICE 1430 OF 1998

BOARD ON TARIFFS AND TRADE

NOTICE OF INITIATION OF AN INVESTIGATION INTO THE ALLEGED DUMPING OF BOLTS AND NUTS OF STEEL ORIGINATING IN OR IMPORTED FROM AUSTRALIA, HONG KONG, MALAYSIA, PEOPLE'S REPUBLIC OF CHINA, SAUDI ARABIA, SPAIN, TAIWAN AND ZIMBABWE

The Board on Tariffs and Trade (the Board) received a petition alleging that—

- bolts of steel originating in or imported from Hong Kong, Malaysia, People's Republic of China (PRC), Saudi Arabia, Spain and Zimbabwe, and

- nuts of steel originating in and/or imported from Australia, Hong Kong, PRC and Taiwan,

are being dumped on the Southern African Customs Union (SACU) market, causing material injury (or threat of material injury) to the SACU industry concerned.

The petitioner

The petition was lodged by the South African Fasteners Manufacturers Association (SAFMA) which is the representative organisation for the bolt and nut manufacturers in the SACU. The petitioner alleges that it cannot compete with the low prices charged by the importers and that the allegedly dumped products are causing material injury (or threat of) material injury. The petitioner submitted sufficient evidence and established a *prima facie* case to enable the Board to arrive at a reasonable conclusion that an investigation should be initiated on the basis of dumping, material injury (or threat of material injury) and causality.

The product

The products allegedly being dumped are bolts and nuts of steel, from 6 mm to 36 mm in diameter inclusive in lengths from 10 mm to 400 mm classifiable under tariff subheadings 7318.1590 (bolts) and 7318.1690 (nuts), originating in and/or imported from the countries stated above.

The allegation of dumping

The allegation of dumping is based on the comparison between the normal values and the export prices from the respective countries. The export price was based on the f.o.b. price of the imported bolts and nuts of steel from the particular countries involved, as calculated from the official import statistics.

Australia, Hong Kong, Malaysia, Saudi Arabia, Spain, Taiwan & Zimbabwe

The normal values are based on the exports from the respective countries to the European Union which were compared with export prices to the SACU. On this basis the Board found that there was *prima facie* proof of dumping in respect of each named country.

People's Republic of China

As the PRC is regarded as a non-market economy, Spain (in the case of bolts) and Taiwan (in the case of nuts) were nominated by the petitioner as third "surrogate" countries as it was alleged that normal value information that will be verifiable is available in these countries which have industries at similar levels of development to that of PRC. The normal value was determined on the basis of the PRC's exports to the European Union and the export price was determined on the basis of the PRC's export prices to the SACU area. On this basis the Board found that there was *prima facie* proof of dumping.

The allegation of material injury (or threat of material injury) and causal link

The petitioner alleges and submitted sufficient evidence to show that the imports in question are suppressing and depressing its selling prices, and are gaining market share at the expense of the SACU industry. Evidence was also submitted to indicate that the petitioned imports in respect of the first three months of 1998 are already at a level equalling almost half of the total petitioned imports during 1997. It is further alleged that the prices at which these imports are sold in South Africa result in lower profit margins and/or losses being incurred by the petitioner.

On this basis the Board found that there was *prima facie* proof of material injury (or threat thereof) and causal link.

Period of investigation

The period of investigation for purposes of determining the dumping margins in the respective exporting countries or countries of origin will be from June 1997 to May 1998. The period of investigation for purposes of determining injury will be from January 1995 to May 1998. The Board may request information subsequent to May 1998 if it so desires.

Procedural framework

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of an investigation, the Board has begun an investigation in terms of section 4 of the Board on Tariffs and Trade Act, 1986 (the BTT Act). The Board will conduct its investigation in accordance with the BTT Act and the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 (the Anti-Dumping Agreement). A copy of the Anti-Dumping Agreement is available from the Board's office on request.

In order to obtain the information it deems necessary for its investigation, the Board will send questionnaires and non-confidential summaries of the petition to all known importers and exporters, and known representative associations. The trade representatives of the exporting countries have also been notified. If you have not received these documents please contact the Board immediately to ensure receipt of the same.

Volume of exports that can reasonably be investigated

Article 6.10 of the Anti-Dumping Agreement provides that in cases where the number of exporters, producers or types of products involved is so large as to make such a determination impractical the authorities may limit their examination to the largest percentage of the volume of exports from the country in question which can reasonably be investigated. As a result of the large number of exporters/producers and importers involved in this investigation the Board has found it necessary to limit its examination. The Board is of the view that it can reasonably investigate two exporters/producers in each of the exporting countries.

As there is also a very large product range of the goods under investigation the Board may limit its detailed examination of transactions of the selected exporters/producers to a limited number of product items based on volumes that were exported to the SACU area during the period of investigation, that is, from June 1997 to May 1998. (A product item will be described by quality/grade; diameter, length and coating.) These may then be considered to be representative of the export sales of the products to the SACU and the margin of dumping (if any) will then be applied to all product items. The Board will, however, also request total monthly volumes and values in the questionnaire, of all the products items exported to the SACU and corresponding sales on the domestic market, and will not be precluded from using this information, if it is found that the top ten product items are for any reason not a reliable measure. More complete details of exactly what is required will appear in the exporters and importers questionnaires.

Initial deadline

Exporters/producers, importers and trade associations are therefore urged to contact the Board immediately, and by no later than 14 days from the date hereof, that is, by **7 August 1998**, (the initial deadline) and provide the following preliminary information to the Board in writing:

- The total volumes and values of all product items (consolidated) of nuts and bolts respectively exported/imported to South Africa in the investigation period, that is from June 1997 to May 1998;
- name the top ten product items exported to the SACU in respect of bolts and nuts respectively, and *advise what percentage this represents of total exports of the products to the SACU in the investigation period, in both volume and value;*
- whether that party is willing to participate in the investigation and furnish the Board with detailed information; and
- all contact details, including telephone, telefax, e-mail and physical address.

Selection of exporters/producers and importers/applicability of information

The Board will on the basis of the preliminary information submitted select two exporters/producers of bolts and nuts respectively, from each country, as well as a group of representative importers, based on volumes of imports, which will then be required to respond to questionnaires and submit detailed information, upon which the Board will base its findings of dumping. The Board may select exports/producers and importers that do not provide preliminary information to the Board, but in respect of which the Board has information from other sources. The Board may also select exporters/producers that have expressed their willingness not to participate. The Board will not be required to take into consideration or verify information submitted by exporters/producers or importers that do not respond to the Board's preliminary deadline even if they subsequently submit information.

Parties that object to the Board's methodology of selection of exporters/importers and product types should still submit the preliminary information requested by the Board by the preliminary deadline, as well as their written objections, motivations therefor and motivated suggestions for alternative selections. If a party strongly believes that it should be selected, notwithstanding low volumes of exports or imports, it should also motivate the same by the initial deadline. The Board may select exporters/producers or importers based on the information provided, or based on factors other than volume.

The weighted average dumping margins (if any) of the exporters/producers from each country will then be applied to those exporters/producers from that particular country that provided the preliminary information and expressed their willingness to participate, but were not selected, in accordance with Article 9.4 of the Anti-Dumping Agreement. Those exporters/producers that have not been specifically identified or which do not express a willingness to participate in the investigation will be subject to a residual or "all others rate", which will be based on the highest rate determined for the exporters/producers selected.

Notification of selection

All parties that respond to the preliminary request for information will be notified by telefax whether they have been selected based on the considerations referred to above, and will then be required to respond to the questionnaire and make representations within 30 days from that date of notification. If you have not heard from the Board in this regard by **28 August 1998** please make direct contact with the investigating officers to confirm whether or not you have been selected to respond to the questionnaire. By the time of notification you will have already received a non-confidential version of the petition and the relevant questionnaire.

Non-market economy countries

It should be noted that there is a different questionnaire for exports from non-market economy countries. Please ensure that you are responding to the correct questionnaire.

Confidential information

Please note that if any information is considered to be confidential then a non-confidential version of the information must be submitted for the public file, simultaneously with the confidential version. In submitting a non-confidential version the following rules are strictly applicable and parties must indicate:

- where confidential information has been omitted and the nature of such information;
- reasons for such confidentiality;
- a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and
- in exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.

Address

The response to the questionnaire and any information regarding this matter and any arguments concerning the allegation of dumping and the resulting material injury must be submitted in writing to the following address:

Physical address

The Director: Dumping Investigations
Room 1601
Fedlife Building
corner of Church and Prinsloo Streets
PRETORIA
SOUTH AFRICA

Postal address

The Director: Dumping Investigations
Private Bag X753
PRETORIA
0001
SOUTH AFRICA

Procedures and time limits

All responses, including non-confidential copies of the responses, should be received by the Director: Dumping Investigations not later than 30 days following the date of notification of selection as a representative producer/exporter or importer.

It should be noted that the investigation process is complex and the Board is subject to strict time limits within which to complete the investigation. Late submissions will therefore not be accepted except with the prior written consent of the Board. The Board will give due consideration to written requests for an extension of not more than 14 days on good cause shown (properly motivated and substantiated—merely citing insufficient time is not regarded as an acceptable reason for an extension), if received prior to the expiry of the original 30-day period.

The information submitted by any party may need to be verified by the investigating officers in order for the Board to take such information into consideration. The Board may verify the information at the premises of the party submitting the information, within a short period after the submission of the information to the Board. Parties should therefore ensure that the information submitted will subsequently be available for verification. Parties should also ensure that all the information requested in the questionnaire is provided and in the specified detail and format. The questionnaires are designed to ensure that the Board is provided with all the information required to make a determination in accordance with the rules of the Anti-Dumping Agreement. The Board may therefore refuse to verify information that it is incomplete or does not comply with the format in the questionnaire, unless the Board has agreed in writing to a deviation from the required format. (A failure to submit an adequate non-confidential version of the response that complies with the rules set out above, will be regarded as an incomplete submission).

Parties that experience difficulty in furnishing the information required, or in the format required, are therefore urged to make written applications to the Board at an early stage for permission to deviate from the questionnaire or provide the information in an alternative format that can satisfy the Board's requirements. The Board will give due consideration to such a request on good cause shown.

If the required information and arguments are not received in a satisfactory form within the time limit specified above, or if verification of the information cannot take place, the Board may disregard the information submitted and make provisional or final findings on the basis of the facts available to it.

Enquiries may be directed to the investigating officers, Mr T. P. Botha at telephone (012) 310-9618 and Mr J. Heukelman at telephone (012) 310-9817.